

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 3, 2024, at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Randy Kast
Councilman-----Vito Carbon came in at 7:00PM
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Codes Enforcer-----Ken Collis
Attorney-----Christopher Bray

Excused: Dog Control Officer-----Erica Dunton
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany

03) **Pledge of Allegiance to the Flag.**
Councilwoman DeCarlo led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**
Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on May 20, 2024 as written.

CARRIED AYES ALL

05) **Public Meeting.**
Supervisor Frank stated if anyone from the public would like to speak, to please state your name, address and tell us why you are here.
Kevin LaQuay of 1080 Steuben Hill Road asked if there has been any communication about the proposed solar farm? Supervisor Frank stated we were given a courtesy letting us know of such but have not received any other information on it. He stated he will let him know if he hears anything.
Roy Wood of 174 Shells Bush Road asked the status of the solar project on Shells Bush Road?
Supervisor Frank stated he has heard they are having difficulty finding a path to the grid.

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to close the public meeting.

CARRIED AYES ALL

06) **Petitions and Communications.**
Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file all the petition and communication 6A through C listed below.

- A. A letter dated May 23, 2024 from NYS Agriculture and Markets Veterinarian 3, Dr. David M. Chico, concerning the Municipal Shelter Inspection Report rated "Unsatisfactory".
Supervisor Frank stated we received a nastygram for the Human Society. Robert Schrader stated he will look into this for us.
- B. Letter dated April 28th, 2024 from Charter Communications Senior Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- C. A certificate of liability insurance for Central New York Construction Inc policy effective 5/16/24 through 5/16/25.

CARRIED AYES ALL

08) **Resolutions.**
Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 24 of 2024 the Standard Work Day and Report Resolution.

CARRIES AYES ALL

09) Old Business.

Water Districts: Highway Supt. Ward stated we made the tap for the trailer park. Supervisor Frank stated in the audit tonight is a fourth line on our Verizon bill for the new ipad.

McKennaan Road Enhancement Project: Supervisor Frank stated there has been some activity on this and with our sewer district. We received more correspondence with more questions and our consultants sent answers last week. We will be having a phone conversation with our consultants and the State to talk to through some things.

West Herkimer Water: Supervisor Frank stated we received a couple calls and emails wanting to know the status. The only thing we know is the Authority needs to updates their facility. He stated it is his understanding that they are waiting for the Villages for commitment before the authority will update their system. Robert Schrader stated he had heard the Authority was moving forward with this.

East Herkimer Sewer District: Supervisor Frank stated we were granted the extension.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we made our initial application to FEMA and now we are anticipating a lot of work this process.

Codes: Codes Enforcer Collis asked the status of the Shells Bush Road Solar Project? He had heard they were having a hard time getting parts so they had to stop construction. They are supposed to receive these part by the end of the parts. He stated they had to shut this one down as well as the one in Frankfort. He also stated he hasn't heard a response back on the landscaping yet, what is going to be planted where. Collis asked if the town has considered putting a moratorium on solar projects. Attorney Bray stated the State has changed the rules so he is not sure if putting a moratorium will even matter. Robert Schrader asked how the State is superseding the Town. Supervisor Frank stated when a solar project is over a certain size solar project, the state takes complete control.

Piper Road: Supervisor Frank stated he had nothing new to report.

Landbank: Supervisor Frank stated we already heard about the progress.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated the cameras are in and will be installed soon.

ARPA: Councilman Stateri stated they are filling in around the path and will be putting a top cost on Tuesday. Next Thursday the subcontractor is scheduled to come finish the exercise pad.

Supervisor Frank stated the park rules signs need to be updated. Clerk DeMetro stated we updated these before and it is on our website but must not have made the signs.

Updating Zoning Ordinance/Map: Supervisor Frank stated we previously discussed this.

Herkimer County Mitigation Plan: Supervisor Frank stated we are still waiting to be approved by FEMA.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated the charging stations at the park installed and operational. The Town Office have the charging stations installed but are not operational. Highway Supt. Ward stated they are waiting for national grid needs to upgrade the pole.

Friends of Town of Herkimer/Not for Profit: Tabled.

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated this will go on the town and county tax bill next year but he is trying to get the money another way sooner.

Friends of Historic Herkimer Donation Request: Councilman Stateri stated the Village is not supporting it. Supervisor Frank stated he hasn't asked if other municipalities.

Town Park Celebration: Supervisor Frank stated the preparations for the celebration are coming along great with lots of things scheduled. The schedule is filling up. The ribbon cutting is scheduled for 11:00 AM. Supervisor Frank stated the next committee meeting is set for next Thursday at 5:00. Samantha Spanfelner asked if there will be any updates to the bathroom to make they handicap accessible? Councilman Stateri stated not yet, but we are working on it. Supervisor Frank stated we have it priced put and are looking for grants.

10) New Business.

Agreement with Wladis Law Firm for the Presky Energy Solar Project: Supervisor Frank stated this is to engage with a consultant to make sure they are meeting all of our standards.

Agreement for the Payment of Municipal Legal and Engineering Expenses by Puseky Energy:

Supervisor Frank stated this is will be for an escrow account to be created for any fees involved on the Town's behalf.

Motion by Councilman Stalteri, seconded by Councilman Kast to allow Supervisor Frank to allow Supervisor Frank to enter into these agreements.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the 2024 Town Park Improvements Financial Update.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Reports for April, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for March, 2024 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Cash Report for March, 2024 from Supervisor Frank

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the East Herkimer Sewer District Amendment #4 Proposal with KB Engineering & Architecture. Supervisor Frank stated in order to receive USDA funding. They have made changes to their standards than when we submitted in 2019 so we need to update some things to accommodate these changes.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 5/11 and 5/16 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated May 19, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated May 19, 2024.

CARRIED AYES ALL

Highway Supt. Ward stated he has put off cold paving McKennan because the water project was supposed to be coming in but he can't keep putting it off any longer. He planned on cold paving it but a local company gave him a quote to hot top it for only \$8,000 more and we could use CHIPS money to fund it.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve this with the condition of receiving get two more quotes.

CARRIED AYES ALL

11) Purchase Orders and Audit.

There is one purchase order for this meeting for a hydraulic motor repair for the skid steer at a cost for \$4,400 out of the machinery contractual DA fund.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve the purchase order for the hydraulic motor report of the skid steer.

CARRIED AYES ALL

Highway Supt. Ward stated he has two 284 forms for the road construction for 2024. The first is to cold pave the same ones as last season. It will be covered by CHIPS.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the 284 form as indicated by Highway Supt. Ward.

CARRIED AYES ALL

Highway Supt. Ward stated the second 284 form This would be covered by CHIPS and within our road maintenance budget.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on the file the second 284 form as indicated by Highway Supt. Ward.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated May 20, 2024.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, seconded by Councilman Carbone that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, May 20, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer, Our Town Clerk